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EXAMINER

HU, JINSONG

ART UNIT PAPER NUMBER

2154

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/025,169

Applicant(s)

PABLA, KULDIPSINGH

Examiner

Jinsong Hu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/3/05, 1/13/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-70 are presented for examination. Claims 14 and 61-70 have been amended.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-14, 17 and 19-70 are rejected under 35 U.S.C. 102(e) as being anticipated by Borella et al. (US 6,269,099).

4. As per claims 1, 4-5 and 7 -10, Borella teaches the invention as claimed including a method for providing a discovery service in a peer-to-peer network [col. 1, lines 5-7], the method comprising:

a peer group name server [12 Fig. 1] receiving information about a peer group, wherein the peer group comprises one or more peers as member peers of the peer

group, wherein the one or more peers reside on one or more network nodes coupled to the network [col. 2, line 64 – col. 3, line 4]; and

the peer group name server storing the received information about the peer group [Fig. 3A-B; col. 6, lines 34-60];

wherein the information about the peer group stored on the peer group name server is accessible to entities on the network through the peer group name server to discover the peer group [Figs. 8A-B; col. 7, line 37 – col. 8, line 12; i.e., the network device being able to discover its peer by using peer discover protocol].

5. As per claim 2, Borella teaches wherein the information about the peer group includes information configured for use by the entities in joining the peer group [col. 7, lines 52-67].

6. As per claim 3, Borella teaches that the information about the peer group includes a peer group name of the peer group and a peer group identifier of the peer group [48, Fig. 3A; col. 6, lines 41-44].

7. As per claim 6, Borella teaches the information about each of the one or more member peers includes information configured for use in accessing the particular member peer to communicate directly with the particular member peer via the network [col. 8, lines 17-26].

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8. As per claims 11-14, 17, 19-27 and 28-30, since they disclose same limitations as claims 1-10 from different sides [i.e., method and performing step], they are rejected for the same basis as claims 1-10 above.

9. As per claims 31-36, since they disclose the same limitation as claims 1-10 from different prospectors [i.e., server and peers], they are rejected for the same basis.

10. As per claims 37-43 and 58-60, since they are apparatus [i.e., server and network] claims of claims 1-10, they are rejected for the same basis as claims 1-10 above.

11. As per claim 44-57, since they are system claims of claims 1-10, they are rejected for the same basis as claims 1-10 above.

12. As per claims 61-70, since they are computer program claims of claims 1-10, 11, 13, 25 and 29-31, they are rejected for the same basis as claims 1-10, 11, 13, 25 and 29-31 above.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borella et al. (US 6,269,099) as applied to claims 1-14, 17, 19-26, and 28-70 above, in view of Teodosiu et al. (US 2002/0062375).

15. Teodosiu is prior art reference cited by Applicant on form 1449, dated to 4/13/05.

16. As per claims 15 and 16, Borella teaches the invention substantially as claimed in claim 11. Borella does not specifically teach accessing the information about the peer group name server prior to said accessing the peer group name server, wherein the process uses the information about the peer group name server in said accessing the peer group name server. However, Teodosiu on the other hand teaches the process accessing the information about the peer group name server prior to said accessing the peer group name server, wherein the process uses the information about the peer group name server in said accessing the peer group name server [paragraphs 37, 78 and 80]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize Teodosiu's accessing step in Borella's system because doing so would enable the user to avoid wasting time on accessing the peer group which is not satisfy the user's requirement. One of ordinary skill in the art would have been motivated to modify Borella's system with Teodosiu's accessing step to benefit the user.

17. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Borella et al. (US 6,269,099) as applied to claims 1-14, 17, 19-26, and 28-70 above.

18. As per claim 18, Borella teaches the invention substantially as claimed in claim 1. Borella does not specifically teach the step of amending the information about the peer group when a left the group. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to including the amending step in Borella's system to increase the accuracy of the peer group information by updating information without delay. One of ordinary skill in the art would have been motivated to modify Borella's system to increase the quality of peer-to-peer service.

Conclusion

19. Applicant's arguments filed on 2/21/06 for claims 1-70 have been fully considered but they are not deemed to be persuasive.

In the remarks, applicant argued in substance that

(1) Borella does not teach the information comprises a symbolic name for each of the one or more entities;

(2) Borella does not disclose the first peer sending a symbolic name of an entity to the peer group name server, the peer group name server locating a copy of the symbolic name in the information about the one or more entities to determine an entity

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identifier associated with the symbolic name and the peer group name server sending the entity identifier associated with the symbolic name to the first peer;

(3) Borella does not disclose the information about the peer group stored on the peer group name server is accessible to entities on the network through the peer group name server to discover the peer group

(4) Borella does not disclose discovering the per group from the information about the peer group;

(5) Borella does not disclose the information about the peer group includes a peer group name of the peer group and a peer group identifier of the peer group [48, Fig. 3A; col. 6, lines 41-44];

(6) Borella does not disclose the information about each of the one or more member peers of the peer group includes a peer name of the particular peer;

(7) 103 rejection is improper since the subject matter used for rejecting the claims not to be entirely presented in the provisional application of patent Teodosiu.

(8) 103 rejection for claim 18 is improper.

20. Examiner respectfully traverses applicant's remarks:

A. As to points (1) and (2), applicant fails to consider the teaching of Borella's reference for sending a peer discover request by the first peer, the request including a discovery maker which containing a unique number [i.e., the symbolic name, Borella pointed out the field value is not limited as described in the patent; col. 6, lines 34-50; col. 8, lines 9-12] for identifying a particular entity and locating a copy of the symbolic

name in the information about the one or more entities to determine an entity identifier associated with the symbolic name and the peer group name server sending the entity identifier associated with the symbolic name to the first peer [Figs. 5,6,7, 8A & 8B; col. 9, line 52 – col. 10, line 3, the data packets being sent to the corresponding networks from one peer for finding peer group, and the entity identifier will be extracted and stored in a peer discovery table on each peer network device who received the packets, thus all the peer network device has a copy of the information for the peer group].

B. As to points (3) and (4), applicant fails to consider the teaching of Borella's reference for storing the information for peer network device in the peer discovery table for being used by the requested network device [Figs. 8A-B; col. 7, line 37 – col. 8, line 12; i.e., the network device being able to discover its peer by using peer discover protocol].

C. As to points (5) and (6), applicant fails to consider the teaching of Borella's reference for storing peer device information in the peer discovery table, the information including one or more peer device identifier and the peer group identifier, and the content of the table is not limited as shown [col. 6, lines 51-60; i.e., the name of the peer group can be added].

D. As to points (7) and (8), the provisional application of Teodosiu teaches the step of accessing the information about the peer group name server and using the information in accessing the peer group name server. Furthermore, applicant does not provide any details for proving Teodosiu's provisional application does not teach the limitations in the application. Thus, the 103 rejections are properly established.

Accordingly, Borella and Teodosiu are relevant prior art references.

21. THIS ACTION IS MADE FINAL. See MPEP §706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

22. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jinsong Hu

May 10, 2006

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